THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.24670 of 2002

09.08.2007

Between

P.Venkata Ramana Reddy

…Petitioner

And

The District Educational Officer (FAC), Ongole, Prakasam District and another.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.24670 of 2002

ORDER:

This writ petition is filed aggrieved by the order, dated 26.11.2002, passed by the first respondent under which the second respondent was directed to keep the petitioner under suspension in view of involvement of the petitioner in a criminal case and leading as a group leader in the village for one party.

According to the petitioner, the second respondent is the disciplinary authority, who has to take appropriate action including suspension and the first respondent is only an appellate authority. Therefore, the impugned order could not have been passed by the first respondent

directing the second respondent to keep the petitioner under suspension.

It is stated that the impugned order was suspended by this Court as early as on 13.12.2002 and that even the criminal case which was registered against the petitioner ended in acquittal. Therefore, it is contended that in any case, the impugned order is liable to the set aside.

No counter is filed on behalf of the respondents.

Under the above circumstances, since the first respondent is not the disciplinary authority who can pass an order of suspension as is contemplated under Rule 19 of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules, 1993, the impugned order is not sustainable and the same is accordingly set aside.

The writ petition is accordingly allowed. No costs.

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09.08.2007

VGB